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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILE

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UNITED STATES OF AMERICA,

Plaintiff,

V.

Juan Manuel VILLA,

Defendant(s)

Magistrate Case No.

'08 MJ 0463


COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8 U.S.C., Sec. 1324 (a) (1)(A)(ii)
Transportation of Illegal
Aliens


The undersigned complainant, being duly sworn, states:

On or about **February 15, 2008**, within the Southern District of California, defendant **Juan Manuel VILLA** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Manuel ARIAS-Rios**, **Jose Ines ARIAS-Rios**, and **Gabriel MARTINEZ-Carbajal** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF February 2008


William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Jose Manuel ARIAS-Rios**, **Jose Ines ARIAS-Rios**, and **Gabriel MARTINEZ-Carbajal** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 15, 2008, Border Patrol Agents J. Gaxiola and N. Santos were assigned to the Old Highway 80 checkpoint near Pine Valley, California. The Old 80 checkpoint is located ten miles north and five miles east of the Tecate, California Port of Entry. The checkpoint was fully operational, all warning lights and signs were in place. At approximately 7:53 p.m., a red Ford F-250 pick-up with a Baja California plate approached the primary inspection area. The driver, later identified as the defendant **Juan Manuel VILLA**, accelerated as he approached the primary inspection area and drove through the checkpoint without stopping.

Agent Gaxiola deployed a hand held controlled tire deflation device under the vehicle as it continued past his position at the primary inspection area. Agent Santos advised Border Patrol Agent M. Saclarides via service radio that the vehicle had failed to stop at the checkpoint and he was pursuing it westbound on Old Highway 80. Agent Saclarides was located on Old Highway 80, approximately one mile west of the Old 80 checkpoint, with a controlled tire deflation device. Agent Saclarides observed the suspect vehicle approach his location and deployed the controlled tire deflation device across both lanes of Old Highway 80. The controlled tire deflation device was successful in deflating both rear tires of the suspect vehicle.

The defendant continued driving the vehicle approximately one half mile, then pulled to the right shoulder of the westbound Interstate 8 entrance ramp from Sunrise Highway. Five individuals were apprehended in the bed of the truck and three others were apprehended in the brush along the entrance ramp after attempting to abscond. All eight individuals were each questioned as to their citizenship and all eight freely admitted to being citizens and nationals of Mexico illegally present in the United States.

The defendant and two other individuals attempted to abscond from the vehicle, running westbound along the interstate. After an intensive search of the area, Border Patrol Agents A. Gonzalez and W. Hatfield, along with Officer M. Sanchez of the California Highway Patrol apprehended the three individuals running westbound in the eastbound lanes of Interstate 8 approximately one half mile east of Highway 79 at approximately 8:25 p.m.


Agent Gonzalez identified himself as Border Patrol Agent and questioned each of the three individuals as to their citizenship. Two of the individuals freely admitted to being citizens and nationals of Mexico illegally present in the United States. The defendant stated he was a United States citizen, born in Los Angeles, California. The defendant and the ten individuals were arrested and transported to the Campo Border Patrol Station for further questioning and processing.

MATERIAL WITNESSES STATEMENTS:

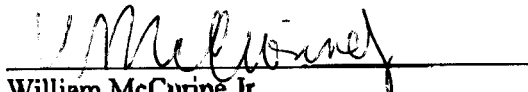
Material witnesses **Jose Manuel ARIAS-Rios**, **Jose Ines ARIAS-Rios**, and **Gabriel MARTINEZ-Carbajal** each admitted in summary that they are citizens and nationals of Mexico illegally present in the United States. All admitted to entering the United States illegally with the aid of an alien smuggler/ foot guide. They stated that the foot guide led the group to the highway where they were picked up by a pick up truck. **Jose Ines ARIAS-Rios** and **Gabriel MARTINEZ-Carbajal** stated that they were going to pay between \$2000.00 and \$2200.00 (US) to be smuggled into the United States. **Jose Manuel ARIAS-Rios** stated that his family was to pay an unknown amount. All material witnesses stated that they felt afraid because the driver smelled like he had been drinking and he was driving erratically.

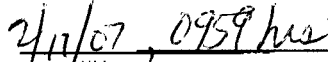
All material witnesses were shown a photo line up depicting six different individuals. Material witness **Jose Manuel ARIAS-Rios** and **Jose Ines ARIAS-Rios** were able to positively identify the defendant **VILLA** as the driver of the load vehicle.

Executed on February 17, 2008 at 9:30 a.m.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 15, 2008**, in violation of Title 8, United States Code, Section 1324.


William McCurine Jr.
United States Magistrate Judge


Date/Time